

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
AT ERIE**

JOSE TORRES, et al.,	)	
	)	
	)	
	)	
<i>Plaintiffs,</i>	)	Civil Action No. 15-174
	)	
v.	)	
	)	ORDER
	)	
NANCY GIROUX, et al.,	)	
	)	
<i>Defendants.</i>	)	
	)	
	)	

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE  
IN PART**


The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, and the balance of record, **HEREBY ORDERS** as follows:

- (1) The Court **ADOPTS** the Report and Recommendation [Doc. No. 58].
- (2) Plaintiffs' claims against all Defendants in their official capacities are **DISMISSED**.
- (3) Plaintiffs' Eighth Amendment claim against Defendants Bashor, Phillips, Arnold, Putman, Brown, Mulligan, Newell, Walters, and DiRaimo is **DISMISSED**.
- (4) Plaintiffs' Fourteenth Amendment claim against all Defendants is **DISMISSED**.
- (5) Defendants' motion to dismiss Plaintiff Torres's retaliation claim against Basher, Phillips, Walters, Arnold, Putman, Brown, Mulligan, and Newell is **DENIED**.
- (6) Defendants Pernell, Fitzgerald, Scutella, Martin, Giroux, Clark, Smith, Adams, and Szelewski are **TERMINATED** from this case.

(7) The Clerk shall send copies of this Order to the parties.

**IT IS SO ORDERED.**

DATED this <sup>4<sup>th</sup></sup>12 day of July, 2017.

  
BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE